

The Chief

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Monitor Agency Promotions

Council Introduces 1-in-3 Audit Bill

By REUVEN BLAU

The City Council has introduced legislation that would require the Department of Citywide Administrative Services to file written 1-in-3 rule agency audit reports on hiring and promotion decisions.

The measure, sponsored by Civil Service and Labor Committee Chair Joseph P. Addabbo, is the result of a May oversight hearing on the matter at which city workers alleged the rule was being abused and argued that it needed to be amended.

DCAS: On the Case

Stephen Dobrowsky, DCAS's Director of Certification, told the Council then that DCAS audits the roughly 17,000 certifications it issues each year to ensure that agencies abide by the 1-in-3 rule. He promised to provide the Council with a summary of last year's audits.

But according to Mr. Addabbo, those audits are currently done verbally. "I found that quite odd and really not helpful," he said. "I like to trust DCAS is doing the audits, but let's see it in writing."

Warner Johnston, the chief spokesman for DCAS Commissioner Martha K. Hirst, said, "We are currently reviewing the legislation."

Veteran Staff Analysts testified at the May hearing that they were passed over for promotion without an interview or explanation despite their solid work records and high test scores.



JOSEPH P. ADDABBO:
Put it on the record.

Under Section 61 of state Civil Service Law—widely known as the "1-in-3" rule—agencies can choose from among the three highest-scoring eligibles on a list when making appointments. An addendum to the rule allows agencies to remove candidates from further consideration after they have been "considered and not selected," or "CNS-ed," three successive times. Candidates who are knocked off the list by one agency can still be appointed by another agency.

Mr. Addabbo compared the "no-cost" bill to legislation the Council just unanimously passed requiring agencies to annually report workplace injuries and illnesses. "All the information is already there," he said. "Let's have DCAS take information that they already

have and distribute this report so we can look at it ... and maybe we can improve the audits."

He continued, "It will be a

useful tool not only for the Council and the Mayor, but for city workers as well."

Sheila Gorsky, the Organization of Staff Analysts' executive director, agreed. "I think it will have DCAS focus on what goes on when a list gets called," she said. "When people do things and nobody watches, things slip through."

'We Police Them'

Mr. Dobrowsky testified at the May hearing that DCAS sometimes discovers that agencies have violated the 1-in-3 rule. "What we do at that point is notify the agency that they have made an error in the appointment process and they are directed to rectify it," Mr. Dobrowsky said. "Corrective action is always taken."

He declined, though, to name the departments that have been cited for multiple violations.

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According to the OSA, the Department of Transportation is the biggest abuser of the 1-in-3 rule. There are more than a dozen Staff Analysts from the list established in October 2001 who were "considered" three times but never appointed, Ms. Gorsky said. "They refuse to restore people to the list, although they have made countless provisionals," she complained. "They appointed whoever was a no-cost item."

Tom Cocola, a DOT spokesman, denied the charge and pointed out that the department had promoted 68 of 89 eligibles from the most recent list. "We complied fully with the civil service selection process," he contended.

In all, there are roughly 85 Staff Analysts who have not been restored to various agency rosters, according to Ms. Gorsky. "We have been doing this for 20 years, and we have never run into this problem," she said.



SHEILA GORSKY: Need DCAS's focus.